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10/562,394	05/16/2006	Mark Richard Norton	P07962US02/MP	8530

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EXAMINER
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KING, FELICIA C

ART UNIT	PAPER NUMBER
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1794

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,394	<b>Applicant(s)</b> NORTON ET AL.	
	<b>Examiner</b> FELICIA C. KING	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/05, 6/1/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Examiner Notes*

1. The examiner notes that the Likens –Nickerson method is the most common and one of the oldest extraction methods and as such the claims have been interpreted with respect to the quantities obtained (ug/kg or ppm) and not whether the prior states that the Liken –Nickerson method was specifically utilized.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-18, 20- 24, 26-34, 36,38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boniello et al (U.S. Patent Number 4, 867, 992) in view of Marmo et al. (U.S. Patent Number 4,311,720).**

5. **Regarding Claim 1:** where a roasted and ground coffee composition has levels of linalool of at least 6,000 ug/kg as measured in the composition.

6. Boniello et al disclose a roast and ground coffee composition where a flavorant, diacetyl, is added in the amount of 50 ppm to 400 ppm [col. 4, lines 63-65] but does not disclose linalool as the coffee flavorant. However, Marmo teaches linalool as a flavoring agent for hot beverages and in tobacco products [col. 10, lines 21-40]. ].

7. Boniello and Marmo are analogous art because they are from the same field of endeavor which is flavor compositions added to comestible products.

8. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello and Marmo before him or her to modify the flavoring of Boniello for linalool because both diacetyl and linalool are used as flavoring agents in beverages, diacetyl imparting a buttery flavor [Boniello col 4, lines 62-63] and linalool imparting a fruity flavor. Also, linalool performs favorably when it is heated and maintains its flavor impact during heating as evidenced in Marmo [col.6, lines 38-43]. It would have been obvious to combine the above references because linalool is a flavoring agent much like diacetyl which has been used to give coffee a buttery flavor.

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One skilled in the art wishing to impart a fruity flavor instead of a buttery flavor would merely substitute the diacetyl for linalool. Further, linalool would be a desirable option because it performs favorably when used with heated substances and specifically coffee beverages.

9. Regarding the amount of linalool to be added to the coffee composition, it would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the amount of linalool desired for the intended application, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

10. **Regarding Claims 2 and 3:** where the level of linalool is at least 8000 ug/kg and the level of linalool is at least 16,000 ug/kg respectively.

11. Boniello, and Marmo and disclose as discussed above.

12. Further, it would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the amount of linalool desired for the intended application, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

13. **Regarding Claim 4:** Boniello discloses a method for adding 50 ppm - 400 ppm of diacetyl to a roast and ground coffee where the brew will produce a coffee containing 0.1 to 1.5 ppm on an as consumed basis [col. 4, lines 63-68 and 43-46], but does not disclose linalool as the coffee flavorant. However, Marmo teaches linalool as a flavoring agent for hot beverages and in tobacco products [col. 10, lines 21-40].

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14. See motivation to combine under "Regarding Claim 1". But here, regarding the amount of linalool present in the final coffee product, it has been disclosed in the specification that linalool is naturally occurring in coffee in a range of about .30 ppm - 4.7 ppm. The instant claim requires that the resulting coffee product have at least 25 % more linalool present. 25 % more linalool would be equivalent in the range of .375 ppm – 5.875 ppm. The range in Boniello is .1 – 1.5 ppm which falls within the range for the amount of flavorant to be added to a final coffee product.[col. 4, lines 43-46].

15. **Regarding Claim 5:** Boniello discloses a method for adding 50 ppm - 400 ppm of diacetyl to a roast and ground coffee where the brew will produce a coffee containing 0.1 to 1.5 ppm on an as consumed basis [col. 4, lines 63-68 and 43-46], but does not disclose linalool as the coffee flavorant. Marmo further teaches linalool as a flavoring agent for hot beverages and in tobacco products [col. 10, lines 21-40].

16. See motivation to combine under "Regarding Claim 1". But here, regarding the amount of linalool present in the final coffee product, it has been disclosed in the specification that linalool is naturally occurring in coffee in a range of about .30 ppm - 4.7 ppm. The instant claim requires that the resulting coffee product have at least 50% more linalool present. 50% more linalool would be equivalent in the range of .45 ppm – 7.07 ppm. The range in Boniello is .1 – 1.5 ppm which falls within the range for the amount of flavorant added to a final coffee product col. 4, lines 43-46]..

17. **Regarding Claim 6:** Boniello discloses a method for adding 50 ppm - 400 ppm of diacetyl to a roast and ground coffee where the brew will produce a coffee containing 0.1 to 1.5 ppm on an as consumed basis [col. 4, lines 63-68 and 43-46], but does not

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disclose linalool as the coffee flavorant. However, Marmo further teaches linalool as a flavoring agent for hot beverages and in tobacco products [col. 10, lines 21-40]. ].

18. See motivation to combine under "Regarding Claim 1". But here, regarding the amount of linalool present in the final coffee product, it has been disclosed in the specification that linalool is naturally occurring in coffee in a range of about .30 ppm - 4.7 ppm. The instant claim requires that the resulting coffee product have at least 100% more linalool present. 100% more linalool would be equivalent in the range of .60 ppm – 9.4 ppm. The range in Boniello is .1 – 1.5 ppm which falls within the range for the amount of flavorant added to a final coffee product col. 4, lines 43-46]..

19. **Regarding Claim 7:** Boniello discloses a flavoring agent is added to unprocessed green coffee.

20. **Regarding Claims 8 and 10:** Boniello discloses adding flavor to coffee as discussed above but do not disclose dissolving the flavorant in an oil carrier. However, Marmo discloses a flavor oil that is dispersed in a carrier [col. 5, lines 38-40].

21. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello and Marmo before him or her to modify the application of the flavoring to the unprocessed bean in Boniello to incorporate a flavor oil carrier because although linalool has good flavor retention in heated beverages, the carrier can help maintain and control the release of the flavor agent [Marmo col. 6, lines 15-26].

22. **Regarding Claim 9:** Boniello teaches adding flavor to ground coffee.

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23. **Regarding Claim 11:** Boniello discloses adding diacetyl to a soluble coffee product in an amount of 10 ppm to 150 ppm [col. 4, lines 59-61] but does not disclose linalool as the coffee flavorant. However, Marmo teaches linalool as a flavoring agent for hot beverages [col. 10, lines 21-40].

24. Boniello and Marmo are analogous art because they are from the same field of endeavor which is flavor compositions added to comestible products.

25. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello, Marmo and before him or her to modify the flavoring of Boniello for linalool because both diacetyl and linalool are used as flavoring agents in beverages, diacetyl imparting a buttery flavor [Boniello col 4, lines 62-63] and linalool imparting a fruity flavor. Linalool performs favorably when it is heated and maintains its flavor impact during heating as evidenced in Marmo [col.6, lines 38-43]. It would have been obvious to combine the above references because linalool is a flavoring agent much like diacetyl which has been used to give coffee a buttery flavor. One skilled in the art wishing to impart a fruity flavor instead of a buttery flavor would merely substitute the diacetyl for linalool. Further, linalool would be a desirable option because it performs favorably when used with heated substances and specifically coffee beverages.

26. Regarding the amount of linalool to be added to the coffee composition, it would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the amount of linalool desired for the intended application, since it has been held



that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

27. **Regarding Claims 12-14:** where the soluble composition of claim 11 has at least 4,000 ug/kg, 6,000 ug/kg, 10,000 ug/kg linalool present in a soluble coffee product respectively.

28. See "Regarding Claim 11".

29. **Regarding Claims 15 -17:** where a beverage mix is comprised of a dry soluble coffee product and at least 2,000 ug/kg 4,000 ug/kg, 10,000 ug/kg linalool in the beverage mix respectively.

30. See "Regarding Claim 11".

31. **Regarding Claim 18:** Boniello, discloses as discussed above but do not disclose dissolving the flavorant in encapsulated form. However, Marmo teaches an encapsulated flavorant [col. 2, 5-10].

32. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello, and Marmo before him or her to modify the application of the flavoring to the dry soluble coffee product in Boniello to incorporate an encapsulated flavorant because although linalool has good flavor retention, Marmo suggests that it may be advantageous to encapsulate flavorants for use in consumable products consumed at greater than ambient temperatures [col.2, lines 15-20].

33. **Regarding Claim 20, 22-24:** A method for making a coffee flavored beverage where linalool is added to liquid coffee extract, where the coffee solids in the coffee extract have linalool levels of less than 2,000 ug/kg, 3,000 ug/kg, 4,000 ug/kg, 10,000

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ug/kg respectively in order to produce a final coffee product having at least 2,000 ug/kg linalool.

34. Boniello discloses a method of adding a flavoring agent to a liquid coffee extract [col. 4, lines 53-57]. The final product contained .7 ppm on an as consumed basis.

35. Marmo discloses linalool as discussed above.

36. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the linalool desired in the final product for the intended application, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

37. **Regarding Claim 21:** Boniello discloses adding a flavoring agent to a coffee extract and then drying to form a dry soluble coffee product [col. 4, lines 53-58].

38. Marmo discloses linalool as discussed above.

39. **Regarding Claim 26:** a method for making an enhanced coffee flavored beverage comprising adding linalool to a roast and ground coffee.

40. Boniello discloses adding diacetyl to a roast and ground coffee where the brew will produce a flavored coffee product [col. 4, lines 62-63], but does not disclose linalool as the coffee flavorant. However, Marmo teaches linalool as a flavoring agent for hot beverages and in tobacco products [col. 10, lines 21-40].

41. See Reasoning under "Regarding Claim 1".

42. **Regarding Claim 27:** The method of claim 26, where the linalool is in encapsulated form.

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43. Boniello discloses as discussed above but does not disclose dissolving the flavorant in encapsulated form. However, Marmo teaches an encapsulated flavorant [col. 2, 5-10].

44. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello, and Marmo before him or her to modify the application of the flavoring to the dry soluble coffee product in Boniello to incorporate an encapsulated flavorant because although linalool has good flavor retention, Marmo suggests that it may be advantageous to encapsulate flavorants for use in consumable products consumed at greater than ambient temperatures [col.2, lines 15-20].

45. **Regarding Claims 28- 31:** the method of Claim 26, where linalool is added to increase its concentration to at least 6,000 ug/kg, at least 8,000 ug/kg, at least 10,000 ug/kg, at least 16,000 ug/kg whole bean or ground coffee respectively.

46. Boniello discloses a roast and ground coffee composition where a flavorant, diacteyl, is added in the amount of 50 ppm to 400 ppm [col. 4, lines 63-65] but does not disclose linalool as the coffee flavorant. However, Marmo teaches linalool as a flavoring agent for hot beverages and in tobacco products [col. 10, lines 21-40].

47. See Reasoning under “Regarding Claim 1”.

48. **Regarding Claim 32:** the method of claim 26, where the linalool is added to whole bean.

49. Boniello and Marmo disclose adding linalool to whole bean above.

50. See reasoning under “Regarding Claim 1”.

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51. **Regarding Claim 33:** the method of claim 26, where the linalool is added to a ground coffee.

52. Boniello and Marmo disclose adding linalool to ground coffee above.

53. **See “Regarding Claim 1”.**

54. **Regarding Claim 34:** a coffee composition comprising roast and ground coffee and encapsulated linalool.

55. Boniello discloses a roast and ground coffee composition as discussed above and Marmo teaches an encapsulated linalool as discussed above.

56. **Regarding Claim 36:** a method for preparing coffee at elevated level by infusing green coffee with liquid form of linalool in a carrier consisting of polar or non polar solvents

57. Boniello discloses green coffee infused with liquid flavoring agent [col.1, lines 19-21] but does not disclose linalool in a carrier consisting of polar or non polar solvents. However, Marmo discloses a flavor agent that is dispersed in polar carriers such as alcohol and water [col. 6, lines 54-59].

58. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello and Marmo and before him or her to modify the application of the flavoring to the unprocessed bean in Boniello to incorporate a flavor oil carrier and to further disperse the agent into a polar solvent such as water because although linalool has good flavor retention in heated beverages, the carrier can help maintain and control the release of the flavor agent [Marmo col. 6, lines 15-26] further,

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coffee compositions are generally composed of water and coffee substrates therefore it would have been obvious to use water as a carrier for the flavor oils.

59. **Regarding Claims 38 -40:** a ready to drink beverage having regular or concentrated strength liquid coffee comprising linalool in an amount of at least 2000 ug/kg, 4,000 ug/kg. and 10,000 ug/kg., of soluble coffee solids present in the liquid coffee.

60. Boniello discloses a ready to drink, regular strength liquid coffee comprising linalool in an amount of at least 2000 ug/kg, 4,000 ug/kg., 10,000 ug/kg., of soluble coffee solids in the liquid coffee [col. 6, lines 43-46] but does not disclose linalool as the coffee flavorant. However, Marmo teaches linalool as a flavoring agent for hot beverages and in tobacco products [col. 10, lines 21-40].

61. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello, and Marmo and before him or her to modify the flavoring of Boniello for linalool because both diacetyl and linalool are used as flavoring agents in beverages, diacetyl imparting a buttery flavor [Boniello col 4, lines 62-63] and linalool imparting a fruity flavor. Linalool performs favorably when it is heated and maintains its flavor impact during heating as evidenced in Marmo [col.6, lines 38-43]. Further, It would have been obvious to combine the above references because linalool is a flavoring agent much like diacetyl which has been used to give coffee a buttery flavor. One skilled in the art wishing to impart a fruity flavor instead of a buttery flavor would merely substitute the diacetyl for linalool. Further, linalool would be a desirable

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option because it performs favorably when used with heated substances and specifically coffee beverages.

62. Regarding the amount of linalool to be added to the coffee composition, it would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the amount of linalool desired for the intended application, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

63. **Regarding claim 41:** a coffee composition comprising roast whole bean coffee coated with linalool.

64. Boniello discloses mixing the flavoring agent with green coffee [col. 1, lines 19-21] and roast and ground coffee [col. 4, lines 62-63].

65. Marmo discloses linalool as discussed above.

66. The prior art does not explicitly disclose roasted whole bean coffee. However, as Boniello uses like materials in a like manner as claimed, it would therefore be expected that the whole green coffee or the roasted and ground coffee will have the same characteristics claimed, particularly the where the flavoring agent is merely coating the product, absence a showing of unexpected results.

67. **Claims 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boniello et al (U.S. Patent Number 4, 867, 992) in view of Marmo et al. (U.S. Patent Number 4,311,720) and Parliment (U.S. Patent Number 4,041,185).**

68. **Regarding Claim 25:** the method of claim 20, where adding linalool comprises adding powdered linalool to the liquid coffee extract followed by drying to form a dry final soluble coffee product.

69. Boniello, Marmo and disclose as discussed above. However, Parliment teaches optionally using dried flavoring agents [col. 4, lines 55-57].

70. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello, Marmo, and Parliment before him or her to modify the phase of the flavoring agent to include a solid phase because Parliment primarily discloses a system where the components are in liquid form but it also teaches that the system components when used in a dried form may be used by any method that does not cause degradation of the components [col. 4, lines 55-60].

71. **Claims 19 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boniello et al (U.S. Patent Number 4, 867, 992) in view of ) Marmo et al. (U.S. Patent Number 4,311,720) and in further view of Steinke (U.S. Patent Number 4,698,264).**

72. **Regarding Claims 19 and 35:** Boniello, discloses as discussed above but does not disclose maltodextrin, Gum Arabic, tricalcium phosphate in the encapsulated form. Marmo discloses gum acacia, dextrin and modified starch as encapsulating agents but does not disclose maltodextrin, Gum Arabic, tricalcium phosphate in the encapsulated form. However, Steinke discloses maltodextrin [col.2, lines 35-37], Gum Arabic [col. 6, lines 15-19], and tricalcium phosphate [col. 3, lines 33-35] to encapsulate flavor agents.

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73. Boniello, Marmo and Steinke are analogous art because they are from the same field of endeavor which is flavoring agents for comestible products.

74. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello, Marmo and Steinke before him or her, to modify the encapsulation form to include the maltodextrin, Gum Arabic and tricalcium phosphate because Steinke utilizes agents similar to those used in Marmo. For example, Marmo uses dextrin, gum acacia, and modified food starch as the encapsulating agents [col. 17, lines 41-43]. Maltodextrin and dextrin are commonly used as bulking agents [Steinke col. 3, lines 47-49]. The purpose of the maltodextrin is to initiate the release of the flavoring agent [Steinke col.2, lines 45-46]. The purpose of the tricalcium phosphate is to prolong the release of the flavoring agent [Steinke col. 2, lines 47-49]. The gum arabic works to aid in the entrapment of oils [Steinke col. 6, lines 15-19]. It would have been obvious to one of ordinary skill in the art to utilize the encapsulating agents in Steinke to encapsulate the flavoring agent linalool because a similar group of agents is used in Marmo to encapsulate linalool.

75. **Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boniello et al (U.S. Patent Number 4, 867, 992) in view of Marmo (U.S. Patent Number 4,311,720) and in further view of Balakrishnan (U.S. Patent Number 6,299,926).**

76. **Regarding Claim 37:** the method of claim 36, where the green coffee is heated and linalool between 20°C and 95°C for 15 minutes to 24 hours.



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77. Boniello and Marmo, disclose as discussed above but do not disclose the time and temperature in the instant claims. However, Balakrishnan discloses a flavor composition where the flavoring agent is added between 10°C – 45°C for 10 minutes to 24 hours [col. 2, lines 39-43].

78. Boniello, Marmo, and Balakrishnan are analogous art because they are from the same field of endeavor which is flavor compositions added to comestible products.

79. At the time of the invention, it would have been obvious to one of ordinary skill in the art having the teachings of Boniello, Marmo, and Balakrishnan before him or her to modify the method to incorporate a time and temperature for the addition of the linalool to the green coffee because it improves the aroma of the product [col. 1, lines 65-67].

80. Further, it would have been obvious to one having ordinary skill in the art at the time of the invention to adjust the time and temperature for the intended application, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FELICIA C. KING whose telephone number is (571)270-3733. The examiner can normally be reached on Mon- Thu 7:30 a.m. - 5:00 p.m.; Fri 7:30 a.m. - 4:00 p.m. alternate Fridays off

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FELICIA C KING/  
Examiner, Art Unit 1794

/Jennifer McNeil/  
Supervisory Patent Examiner, Art Unit 1794